APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,923	10/30/2001	Keicy K. Chung	264/031	7533

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CONNOLLY BOVE LODGE & HUTZ LLP	REFAI, RAMSEY	

ART UNIT	PAPER NUMBER
2152	

CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON, DE 19899

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/017,923	CHUNG, KEICY K.
	Examiner	Art Unit	
	Ramsey Refai	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Responsive to Amendment received July 14, 2006. Claims 1-16 remain presented for further

examination.

Response to Arguments

1.   Applicant's arguments have been fully considered but they are not persuasive.

•   In the remarks, the Applicant argues in substance:

Argument A: *Jacobs et al fail to teach a processor or storage device is localized to the*

computer.
    •

In response, the Examiner respectfully disagrees. Since the specification does not describe

what the term " localized" means and how the processor or storage device is " localized" to a

computer, the ability of the computer in Jacobs et al to communicate with the processor in the

storage device (cache server 102) makes that processor localized to the computer. Therefore,

Jacobs meets the scope of the claimed limitation.

Argument B: *Jacobs et al fail to teach a computer interface being adapted to enable*

communications exclusively between the computer and the storage device,

In response, the Examiner respectfully disagrees. The Applicant argues that the specification

teaches that the computer interface can be one of many known formats such as IDE, ATA, SCSI,

and IEEE 1394, which are known to connect and allow communications exclusively between a

single computer and a single storage device, therefore the computer interface operates

exclusively with the storage device. However, these types of format have not been claimed. The

claims merely recite that the computer interface operates exclusively with the storage device.

No definition or clear understand of how the computer operates *exclusively* can be ascertained

from the applicant' s specification. Jacobs et al teach that the user can communicate with the

cache server without the need to communicate with any other device in order to connect to the

cache server. Jacobs et al also teach that the cache server can be designated to handle only

specific types of requests by examining the header of the request, to determine a security

profile, the user sending the request, etc. (See fig 4, column 13, lines 25-55). Furthermore,

Jacobs et al teach that the medium which data requests are received may include direct or

indirect communication using wired or wireless communication. (See column 6, lines 5-11).

Therefore, Jacobs et al meets the scope of the claimed limitation.

Argument C: *Jacobs et al fail to teach a processor is adapted to employ the network interface*

for communications exclusively with the remote file server.

In response, the Examiner respectfully disagrees. Jacobs et al teach that the cache server

can be co-located with the server that the communication medium may be direct or indirect

communication. (See column 6, lines 5-11).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of
this subsection of an application filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 7 and 9 are rejected under 35 U.S.C. 102(e) as being unpatentable by Jacobs et al

(U.S. Patent No. 6,732,237).

4.   As per claim 7 A method of providing a file to a computer comprising:

receiving in a storage device a request from the computer for the file, wherein the

storage device is localized to the computer and includes a storage means and a computer

interface, the computer interface being adapted to enable communications exclusively between the computer and the storage device; (Figure 1, Figure 3, 300)

determining whether the file is cached on the storage means (Fig 3, column 16, lines 42–53);

determining, if the file is not cached on the storage means, whether the file is available from a remote file server, and if the file is available from the remote file server, retrieving the file from the remote file server (fig 3, column 16, column 16, lines 50–57 and

caching the retrieved file on the storage means; and providing to the computer the file on a read–only basis if the file is cached on the storage means (Figure 3, column 16, lines 64–65, column 11, lines 1–2).

5.   As per claim 9, Jacobs et al teach deleting the cached file from the storage means upon receiving a command from the file server to delete the cached file (column 6, lines 39–47).

Claim Rejections – 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1–6, 8, 11–16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs et al (U.S. Patent No. 6,732,237) in view of " Official Notice" .

8.   As per claim 1, Jacobs et al teach a storage device comprising:

a processor localized to a computer; a computer interface communicably connected to the processor, wherein the computer interface is adapted to enable communications exclusively between the computer and the processor; a network interface communicably connected to the

processor to enable the processor to communicate with a remote file server, wherein the processor is adapted to employ the network interface for communications exclusively with the remote file server (Figure 1, column 4, lines 15-37); and

a storage means communicably connected to the processor, the processor being adapted to have read and write access to the storage means, wherein upon receipt of a file request from the computer (Figure 3, 300) the processor is adapted to sequentially (1) determine whether the file is cached on the storage means and provide the file to the computer on a read-only basis if the file is cached on the storage means (Figure 3, 302; column 9, lines 3-21), (2) request the file from the file server if the file is not cached on the storage means, and if the file is obtainable from the file server, cache the obtained file on the storage means and provide the obtained file to the computer on a read-only basis (Figure 3).

Jacobs et al fail to explicitly teach that the processor returns a file unavailable notice to the computer if the file is not cached on the storage means and not obtainable from the file server. However, However, " Official Notice" is taken that both the concept and advantage of using a file unavailable notice such as a " 404-File Not Found " error message is well known and expected in the art. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to include a file unavailable notice in Jacobs et al' s system because doing so would inform a user that the data that the user has requested is unavailable.

9.   As per claims 2, Jacobs et al teach wherein the computer is communicably connected to a network server through the network interface (Figure 1, column 4, lines 15-37).

10.   As per claim 3, Jacobs et al teach wherein the storage means comprises random access media (Figure 1, column 4, lines 15-37).

11.   As per claim 4. A computer network comprising:

a file server; a network server; a computer communicably connected to the network

server, the computer being remotely disposed from the file server and the network server

(Figure 1);

a storage device (cache server) communicably connected to the computer and the file

server, the storage device being localized to the computer and comprising a processor, a

computer interface, a network interface, and a storage means wherein the computer interface is

adapted to enable communications exclusively between the computer and the storage device; the

processor is adapted to employ the network interface for communications exclusively with the

remote file server ; the processor is adapted to have read and write access to the storage means

(Figure 1, column 4, lines 15-37); and

upon receipt of a file request from the computer (Figure 3, 300) the processor is

adapted to sequentially (1) determine whether the file is cached on the storage means and

provide the file to the computer on a read-only basis if the file is cached on the storage means

(Figure 3, 302; column 9, lines 3-21), (2) request the file from the file server if the file is not

cached on the storage means, and if the file is obtainable from the file server, cache the obtained

file on the storage means and provide the obtained file to the computer on a read-only basis

(Figure 3).

Jacobs et al fail to explicitly teach that the processor returns a file unavailable notice to

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server. However, However, " Official Notice" is taken that both the concept and advantage of

using a file unavailable notice such as a " 404-File Not Found " error message is well known

and expected in the art. It would have been obvious to one of the ordinary skill in the art at the

time of the applicant's invention to include a file unavailable notice in Jacobs et al' s system

because doing so would inform a user that the data that the user has requested is unavailable.

12.   As per claim 5, Jacobs et al teach wherein the computer is communicably connected to

the network server through the storage device (Figure 1, column 4, lines 15-37).

13.   As per claim 6, Jacobs et al teach wherein the storage means comprises random access

media (Figure 1, column 4, lines 15-37).

14.   As per claim 8, Jacobs et al fail to teach providing to the computer a response indicating

that the file is not available if the file is not cached on the storage means. However, However,

" Official Notice" is taken that both the concept and advantage of using a file unavailable notice

such as a " 404-File Not Found " error message is well known and expected in the art. It

would have been obvious to one of the ordinary skill in the art at the time of the applicant's

invention to include a file unavailable notice in Jacobs et al' s system because doing so would

inform a user that the data that the user has requested is unavailable.

15.   As per claims 11 and 14, Jacobs et al contains the similar limitations as claim 1, but now

teaches that the file is a bootstrap file or an operating system file. Although Jacobs et al does

not explicitly teach that the particular file type is a bootstrap file or an operating system, Jacobs

et al do teach that the requested data maybe include textual, numerical, multi-media, or other

types and forms of information suitable for transmission to a user through a network and may

adhere to any of a variety of protocols or formats (e.g. HTTP, FTP, HTML, XML) (column 5, line

66-column 6, line 5). It would have been obvious to one of the ordinary skill in the art at the time

of the applicant' s invention to recognize that it was merely a matter of choice of

implementation, which clearly does not require any inventive step. Since the determination

process is accomplished by assigning file names, extensions or the like, as a determination

parameter, changing the file type is obvious and is not patentably distinct over Jacobs et al.

16.   As per claim 12, Jacobs et al teach wherein the computer is communicably connected to a

network server through the network interface (Figure 1, column 4, lines 15-37).

17.   As per claim 13, Jacobs et al teach wherein the storage means comprises random access

media (Figure 1, column 4, lines 15-37).

18.   As per claim 15, Jacobs et al teach wherein the computer is communicably connected to

the network server through the storage device (Figure 1, column 4, lines 15-37).

19.   As per claim 16, Jacobs et al teach deleting the cached file from the storage means upon

receiving notice from the file server that an updated version of the cached file is available

(column 6, lines 39-47).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date

of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner

can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner' s

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
September 20, 2006

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER